

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 12, 2022

Chairman Domenic Pane called the January 12, 2022 Zoom meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Bryan Haggarty
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stephen Woods
Commissioner Hyman Braverman-A
Commissioner Thomas Gill

Commissioners Absent

Staff Present

Renata Bertotti, Town Planner
Erik Hinckley, Asst. Town Planner/ZEO

III. **APPROVAL OF AGENDA**

Renata Bertotti: As you know, we amended the agenda to add an item that was placed on the revised agenda that was actually posted yesterday, the Group and Center for Latino Progress had approached us on Friday and asked to be introduced tonight, or actually would like to see you about their upcoming walk and workshop to explore opportunities at Newington Junction, so that is a new item on your agenda, and I believe that you may also consider revising the order of the agenda to hear the presentation on the Anna Reynolds school prior to opening the public hearings tonight, so those are the items I believe we discussed as changes to the agenda

Chairman Pane: so we are adding Desegregate Connecticut and then the Anna Reynolds Building Project will be after Remarks by Commissioners if there is no objection from the Commissioners to amend the Agenda? Thank you.

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes.

RECEIVED FOR RECORD
IN NEWINGTON, CT
2022 JAN 18 AM 11:14
Domenic Pane
Town Clerk

None

V. ZONING OFFICER REPORT

Erik Hinckley: You have the report before you with a number of items on there, most of them have been resolved, at this point there are still a couple of them hanging open. If there are any questions I'll be glad to field them, and I have a couple other items after that.

Chairman Pane: Any questions from the Commissioners concerning the Zoning Officer's report?

Commissioner Claffey: Erik, did you have an update on that one that I sent you, for Main Street, I think 867 or.....

Erik Hinckley: I did take a look at that when I was down there and I did see some snow blowers out on the side of the house, or in the back there, I didn't see an inordinate amount, I will continue to keep an eye on it.

Chairman Pane: Any other questions? Why don't you proceed Erik with the other things that you have?

Erik Hinckley: I have been tasked with reviewing old bonds that the town is still holding, from the Finance Department and a number of these go back to the late '70's. So in the past month or so I have been able to release about \$4300 in bond money that the town was holding and doing some in depth research on the other ones, the larger bonds. A lot of these corporations are probably defunct or out of business so I will gather this information to present to the Town Attorney at some point to see how they want to proceed with some of the funds that are still being held or legally what we can do.

Chairman Pane: We went over this with the previous Town Planner, were those all taken care of?

Erik Hinckley: A lot of those were taken care of that Craig looked at, these are the ones that Finance found that were open, and they are mostly small, 500 to 3500 hundred, stuff like that, but yes, I think the prior Planner did take care of a lot of the ones that you had asked him to do.

The other item that came up at the last meeting is about what we call repeat offenders of zoning violations. Someone asked, what can we do about that? I did inquire with the Town Attorney, and as we suspected, once they correct the violation, the clock starts over again, so, for instance, if somebody puts up a banner on the turnpike and I send them the notice and they rectify the issue, if they put them up again in two weeks, this is a process that I have to deal with.

Renata Bertotti: If I may add to this, in addition to just providing you with this information, one of the things that Erik and I have discussed was, and this is namely related to enforcement of blight, but to some extent it will also apply to repeat offenders of zoning violations. We will develop a spread sheet of these offenders and look into how can we do sort of scheduled inspections, because what generally happens is, there is a violation, Erik does enforcement

action, people comply and then a few months down the road, because when they are in compliance we no longer go and inspect. For us, the item is finished. This perhaps can not work for the signage because signage offenders can be a little more creative, but it can work for some other historic zoning offenses, so we will do it that way and hopefully that will produce a little bit more consistent long term results.

VI. REMARKS BY COMMISSIONERS

Commissioner Fox: At the collaborative meeting with the Town Council last week, I had brought up the name of a property owner on Willard Avenue, you all know who that is, only as a way of showing that there could be a perception of wrong doing possibly and I had no malice, no bad intent, so if anyone did take offense, I apologize and I apologized to my old friend Michael.

Anna Reynolds Building Committee Presentation

Jennifer Jollie: Thank you very much. I appreciate you allowing us the time especially early in the meeting to present this project. I'm the project architect for the Anna Reynolds School Project, and with me tonight, our design team, a couple of the members, Brennan White, he's a landscape architect, also with Kastle Boos Associates, Rob Newton, a civil engineer with DSC Group, he is one of our consultants, and also attending this meeting as a part of the project team is Tom DeMoro, he's with Newfield Construction Group, representing the construction manager.

This project recently received Conservation Commission approval and although the project is exempt from Zoning, this is a courtesy presentation that we would like to do for you.

There has been discussion with town staff that recently reviewed the project and at this point we have addressed any staff comments and we will continue to address any comments that come up as we complete the design for this project.

The existing facility here that is shown on the screen, that will remain as it's current use as an elementary school, the project includes renovations of the existing building which is approximately 69,000 gross square feet and will include a small elevator addition which is only around 500 square feet.

The project will also include improvements to the site, interior finishes, and infrastructure and the project will receive funding from the State of Connecticut. There is a school construction grant associated with this. I'm going to turn this over to Brennan so he can walk you through the site improvements and site circulation.

Brennan White: As Jennifer mentioned, this is Anna Reynolds Elementary School and the main entrance is right here. The main entrance drive and drop off parking area is right along here and this is one way access through the site, from Reservoir Road out to Fenn Road. One of the main goals of this and we are tasked with this is trying to improve the circulation, vehicular, pedestrian circulation for safety. Currently today the circulation is very congested, with buses and traffic going through the site, a drop off occurs in the morning, it's represented by this graphic and there are conflicts between parents and buses as buses come off the side here, stacked, and once again, they exit out to Fenn Road, and there is more congestion and conflicts, so that occurs in the morning and in the afternoon. This is a great opportunity to really help the situation so you will see that we are separating parent drop off. We are extending the drop off over at the main entrance here, allow parents to come in and actually loop back out, and buses to come in and will essentially have their own bus loop and back out to Fenn Road,

so as, part of this project, we have expanded some of the parking. The existing parking count is around 98 spaces and we are now up to 114 so we have gained some spaces, provided handicapped accessibility to the main entrance for a successful drop off, as well as after hours and other events. Having a separation here with a lift gate which will allow the school administration to open that gate and allow use of all of the parking area. This gate also allows safe student crossing to the facility, to the school. There is an addition to the school, actually 500 square feet, an elevator addition for accessibility within the school, and we'll talk about that a little later, across the site it will be completely renovated with new pavement and curbing, lighting which will be contained with LED fixtures with full cutoff and have worked with the town staff on this whole project and submitted through, to the staff to address any comments that they might have had. The lighting is contained on the property, we have new sidewalks, as I mentioned before, accessibility throughout the site. It's key to especially the State projects in which we have provided accessibility throughout. The play areas will remain, new pavement was be placed around the school, and the entrance plaza will be expanded for the drop offs. Really a nice renovation of the entire facility and Jennifer didn't talk about the improvements, I also should mention that we went before the Conservation Commission, received approval.

Jennifer Jollie: Thank you Brennan, this is just an overall floor plan, the building is generally one floor, one story. There is a small portion that has a basement below for some storage and utilities, and a small fan room, upper level adjacent to the gymnasium. Overall the layout of spaces is generally staying the same, the assembly areas are staying where they are now, the gym, cafeteria, media room, those aren't being relocated. We are upgrading and updating some, the classrooms throughout, but the classroom wings are still classroom wings. The main entrance is staying in the same location but will be upgraded. The elevator addition that is shown on the screen as highlighted in the yellow area and that elevator is helping to traverse a stair that is in the main corridor of the building that has an eight foot elevation change, and the elevator will help us navigate around that stair for those that won't be able to use it. So that is the major accessibility upgrade in the building, although there are other accessibility upgrades throughout.

As far as the exterior goes, I'd like to mention that there is a complete window replacement and exterior door replacement for this facility with better performing and energy efficient windows meeting the building code requirements and some of the façade is staying brick masonry, as it is now, existing masonry but there are other portions, the classroom wings in particular where we are completely replacing the exterior envelope which is existing currently, currently there are existing panels that aren't very energy efficient, old window systems that also aren't energy efficient, and we are completely replacing the exterior walls on the classroom wings and the replacement, the proposed materials, the replacement would be metal wall panels for the classroom wings, new operable windows as I mentioned, and precast concrete base, it's about three to four feet high below the windows and metal wall panels so that we have a durable base to the building.

The next slide will show a rendering of the main entrance which will also be upgraded with some of those same materials as well as keeping some of the existing brick masonry. The main entrance, we are proposing would now have a canopy, a covering over the entranceway. Right now there isn't a canopy at all. That should help get people out of the weather. The circulation Brennan already mentioned as well as the new plaza and plantings, benches, things like that at that new main entrance.

The height of the building conforms to the zoning requirements so I do want to mention that.....

Brennan White: In terms of the other zoning requirements we tried to conform with the requirements, and the project meets all setbacks, regulations throughout, and there are some areas where we have tried to reduce the asphalt, we are taking out some asphalt in the play area and that will give them another lawn area to be able to play on. Also, there are storm water improvements throughout the project as well, underground detention system, the utilities that come into the site will remain, new transformer, service to the building, so really just a renovation of the facility.

Chairman Pane: Looks very nice.

Jennifer Jollie: Thank you. So at this point, in conclusion we're currently finalizing the design and the construction manager plans to publicly bid the project, approximately the end of February. We anticipate construction to begin in June when the school year ends, and continue for a couple of years, concluding in the fall of 2024. That's it, thank you.

Chairman Pane: Thank you. Are there any questions from the Commissioners? Thank you very much for the presentation, you did an excellent job.

VII. PUBLIC HEARINGS:

- A. Petition 53-21: Special Permit (Sec. 3.11.14) to allow apartments in a business building at 566 New Britain Avenue., Applicant and Contact, Wieslaw S. Kaczynski, Owner; Wieslaw S. and Margoza Kaczynski.

Wieslaw Kaczynski: First I want to thank you again for allowing the change and allowing apartments on the second floor of the building in the B zone in Newington. We would apply for a special permit to change our second floor of the building at 566 New Britain Avenue to two one bedroom apartments to allow some additional housing in the Town of Newington. I already have potential tenants which would be my son and also my parents who are interested in living there. We already have a proposal, so here we see that a basic floor plan that we would like to propose for the second floor so, on the left side of the building, which is to the front of the street, there will be living room, bedroom, closet, bathroom, kitchen, separate staircase to the outside and on the left side this unit will be facing the back of the building and the same, pretty big living area, bedroom with a closet, bathroom with a good size kitchen and we have to add additional staircase to the outside of the building so both units will have separate entrances which will not be linked to the business part, the commercial part of the building which would be downstairs. The units will be like six to seven hundred square feet. Here on this map, we are proposing 12 maybe 13 parking spaces. One would be on the paper street which is called Arrington Avenue, it would be like seven spaces and maybe six additional spaces, all depending on the grading goes on the right side of the building. We have, just roughly a minimum of 3,000 square feet on the front of the building, but that is just a rough idea.

The building itself is on an almost .26 acre lot which is a pretty good size I think. I mean, there is space for the parking, green area, so there really shouldn't change the way everything is going to be, just the parking and grading which doesn't change much. The building will not change much, the only thing will be the additional staircase on the rear right corner of the building. In addition to the apartments on the commercial building on the second floor, there are some requirements which we also will fulfill once we get into the plans and permits and will create special soundproofing between the business part of the building and the apartments, like

I mentioned, there will be separate staircases, and we already did meet once with the building inspector, everything will be like, and the building on the first floor will have one hour and ceiling for those safety precautions for the fireproofing. That's pretty much, here you see the map of the first floor, so we are still going to keep two on the first floor, one we are going to keep for ourselves, and one will be rented out for maybe a hairdresser, that was there in the past, everything is still there, they didn't even remove the stuff, so it all depends what kind of needs there will be in Newington and all of the work will be new, we can adopt their needs to the apartments and the needs of the future tenants.

Chairman Pane: Very good. That was very good. Thank you very much. Any Commissioners have any questions?

Commissioner Claffey: Quick question, going back to the parking. This isn't the house on the corner of Berkley Place and New Britain Avenue is it?

Wieslaw Kaczynski: No, this is like the second building from Berkley.

Commissioner Claffey: So I guess the second question is for the Planner. That paper street, is that not an access to a house that is in the way back there? Or an access point for the vacant lots or unbuilding lots that may still be back there in that little section?

Erik Hinckley: What I can say from what I know is that Arlington Avenue is a paper street, it is owned by the Town because it actually was deeded to the town at one point in the past. Residents that front actually Berkley Place actually do use it as a rear access to their property, there are a number of properties back there that have done that in the past, there have been no concerns or issues that I'm aware of along that area of property.

Commissioner Claffey: I guess my question is, as a paper street, you know we have maybe too many paper streets in Newington, I'm just trying to get to the concern where we are pulling like distances for the parking spaces, it just seems like a lot of parking spaces.

Wieslaw Kaczynski: Together with Erik we, especially the parking space right by the street, by this paper street, the parking spaces will be placed according to the area, a minimum of five feet away from this paper street so if for some reason, at one point the Town will decide to pave the road, the parking spaces will be still within the area of like a regular street.

Erik Hinckley: Commissioner Claffey, through Chairman Pane, perhaps the applicant would be amenable to planting some kind of buffer between those parking spaces and the road, if that helps.

Commissioner Claffey: No, I don't, I mean, I used to live at 630 New Britain Avenue, so I get the paper street, the long driveways, etc., I guess I'm more concerned with why, it's weird, from the satellite image it looks like, again I haven't drive past that house, I used to walk by it hundreds of times a year, I just, I thought, it's just a weird place to place the parking, that's all. It just seems a little odd. Off the paper street you are putting a driveway basically with no real, and the definition of our paper street is kind of very loose, with our engineering department and I say that because down the road a couple of people who live off of paper streets and they try to

come for zoning stuff and they have come for ZBA, to do some additions, I just, it's just odd that we are going to put a parking lot, or parking driveway directly literally on the paper street.

Renata Bertotti: If I may just comment, it appears to be the existing condition of this property, you can see from the aerial photograph that this area seems to be currently the business occupants are parking anyway. So I personally believe that it is better to use this particular way of accessing the property than to create a whole other curb cut on New Britain Avenue, just to avoid accessing the property from a paper street.

Commissioner Claffey: I don't disagree Renata, I just, I just think the location of the back right for the parking, okay, it's like a driveway in, it's just, I don't know many places where your driveway basically is, drive right off the paper street and you are into parking spaces, it's very odd, for a residential. I know it's a commercial building, but you are trying to convert it to residential, you know, I don't know of many places, you know, other than a commercial structure like the liquor store that is there and the old dance studio that used to be there, and hair salon, the red roofed corner of the building, which looks a lot better over the years than it did back in 2004 with how they used to park, so I don't, I just brought it up, I don't live there now, but I can see that maybe, I'm not asking for a buffer, I'm just trying to understand our paper street regulations so it doesn't affect the future of this property, if in five years he wants to sell the house, you know what I mean? I'm just throwing it out there. Paper streets get to be very technical, and we haven't really devised a plan on how to do it, you know. I don't see a problem moving forward, I just think there needs to be a discussion on how you are going to put seven spots, you know it's like parallel parking on Main Street in Newington, same concept, paper street cuts right off Main Street in front of the Trek Bike, you know, just an odd place to put parking, that's all.

Chairman Pane: Any comments from any other Commissioner?

Renata Bertotti: Not particularly anything that is not included in Erik's memo. As you can see, this is an application that recently, in 2021 actually amended zoning regulations to allow this kind of use, so in 2021 we changed the regulations to allow residential uses in business zones, as long as these uses were to be located on the top floor of an existing commercial building. So with that in mind, a couple of things that we observed when we visited this property was that the parking needed to be paved or resurfaced. Right now it really is not paved, there are a couple of structures, those canvas hoop structures that are placed in a location that is really not allowed per our regulations, so one of the conditions is that those be relocated to different parts of the property where they would be okay, and then there is some construction equipment, stuff like that, so you know, you can see in our memo essentially the stuff that we recommend as a condition of approval if the Commission does approve this special permit. When you look at this under special permit you are looking at impact, so will this create additional traffic, will this create or somehow affect neighborhood. The house will not change in its appearance and the additional few cars that will be parked there because of these tenants probably will have minor to no impact to the neighborhood out there. That also is the same with the traffic generation, we're talking about New Britain Avenue, two more cars should not be a problem, so I feel, I recommend that the Commission approve this subject to these conditions that are all essentially related to the site, more than the use.

Chairman Pane: Thank you very much. Are there any other questions from the Commissioners? If not, I'll proceed to the public. Would anybody from the public like to speak in favor of this application? Is there anyone wishing to speak in opposition? Hearing none, how do the Commissioners feel? Do you want to, do you feel comfortable closing this and moving it forward. I'll look to the Commission for some input.

Commissioner Claffey: I would like to close it and move it forward. My comments were answered.

The motion was seconded by Commissioner Havens. After a roll call vote the Petition was moved to Old Business with a unanimous vote.

Petition 54-21: Zoning Text Amendment (Sec. 3.19.2.B.1) to delete the requirement that residential developments in the PD Zone be located on sites with direct access to the Berlin Turnpike or streets that directly connect to the Berlin Turnpike. Applicant: Alan Bongiovanni.

Chairman Pane: Is the applicant here?

Bill Sweeney: The representative is here. Good evening, it's nice to see everyone again. I'm a partner and a land use attorney in the law firm of Tobin, Carburry, in New London. I appear before you tonight on behalf of Alan Bongiovanni who is a resident of Newington who is seeking tonight an amendment to Section 3.19.2.B.1. Before I begin I would remind the Commission that this is a zoning text amendment application involving a modification of your zoning regulations governing the Planned Development District. This application is not associated with any specific development or any specific property, but it is rather a general applicability to all of your Planned Development District.

Due to the fact that there was a change in your zoning regulations I would also remind you that you sit tonight in a legislative capacity on the application. As the Commission is aware, your Planned Development district regulations which are Sections 3.18 and 3.10 permit a wide variety of commercial uses, as well as residential development, subject to special permit approval. Under Section 3.19.2.B of your regulations there are nine conditions which govern the residential buildings in the Planned Development District. Specifically tonight, which is the reason we are here, the condition in Section 3.19.2.B.1 restricts such residential building development to site locations that have and I quote "direct access" to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike. Tonight Mr. Bongiovanni is seeking to delete this requirement altogether. From our perspective, it is poorly worded and regardless of its proper interpretation, it is really unreasonably and unnecessarily created obstacles to residential building development and it is contrary to your Plan of Conservation and Development.

First I would point out that the provision is terribly vague. It cannot be easily or readily interpreted. The term, direct access, is undefined by your zoning regulation. The term is not used anywhere else within your document or in any other manner in the document that could provide clues and context as to its actual meaning. The provision as to whether direct access means vehicular driveway, a pedestrian sidewalk a walking trail or whether it simply means having frontage along one of the qualifying streets, it's really noted that it seems that the direct access language applied to providing direct access to the site location, but not necessarily to a residential building project built upon that site. In fact, the regulation is so poorly worded, so

poorly drafted it is not even clear whether direct access requires any physical improvement to be built to comply with the condition.

Now arguably, the purpose of this condition, and I know that your Planner has provided some information on the history of the regulations, arguably the purpose of this condition may be to directly control traffic flow within the Planned Development District by limiting the eligibility of certain sites in that area and in the vicinity of the Berlin Turnpike. It should be noted that even if the condition was somehow interpreted to require an actual vehicular driveway connecting to a particular street, nothing in the provision as it is written today would preclude a developer or a property owner from proposing additional vehicle access points to a project, even a primary access point from other non-qualifying streets. From our perspective, that very fact makes the condition confusing. It's unclear what the purpose and the value of it is to the community other than creating an arbitrary obstacle for residential development on otherwise suitable lots that may exist in the Planned Development District. Most importantly though, the site location condition provided in Section 3.19.2.B. doesn't make any sense whatsoever when you acknowledge that Newington has multiple Planned Development Districts. If I may, I would like to put up and share on the screen your zoning map.

The requirement of a connection to the Berlin Turnpike makes little sense since many parcels that are in the PD District, and the PD District in Newington are labeled here in bright red, there are multiple other Planned Development Districts located in other areas of the community, sometimes very distant from the Berlin Turnpike. If there were dozens of lots scattered throughout the community, nowhere near the Berlin Turnpike, or a connecting street, then it would basically be precluded from development, and again, from our perspective to preclude the possible development of residential at literally numerous sites throughout the community, some of which might be wholly appropriate and suitable and can be properly vetted through the special permit review process, defies any common sense from our perspective, and good planning and policy. Further and perhaps more importantly, I know your staff, in her report raises the issue as well. There is no similar site location restriction on other uses which are permitted by right or by special permit in the Planned Development District, including much more intensive commercial uses which generate far greater traffic than any residential development. For example, a major shopping anchor store like a Home Depot or a Wal-Mart which clearly I think we can all agree will generate much greater than any possible residential development can be constructed on any lot within the Planned Development District. Any lot that is shown in red on this map, it can be accessed from any street, in the community without consideration of connection or proximity of the Berlin Turnpike. If the purpose of this section, 3.19.2.B.1 is to somehow indirectly control traffic, we assert to you that it has been failed miserably. It only hampers developers and property owners from developing residential buildings in suitable locations, or putting in at best, at points that are unnecessary. As I mentioned previously, the proposed zoning text amendment that we put forward tonight will delete this section in its entirety. It should be reiterated, and I would remind the Commission that any proposed residential development within the Planned Development District is still subject to Special Permit approval, and a traffic generation and impact of any proposed residential development must still be vetted by this Commission and considered prior to any action on the forthcoming special permit application. So in other words, if this section is removed, you still have the power to look at traffic, and make sure that traffic is properly dealt with, with any pending application.

In conclusion tonight, I would note that the proposed deletion is also consistent with your Plan of Conservation and Development. Our text amendment deletes what is a poorly drafted and almost unintelligible stricture on residential development. You have, by statute, an ongoing

obligation to maintain coherent zoning regulations that further the goals and the policies of your Plan of Conservation and Development. In the POCD, if you look at it carefully, makes clear that diversifying and creating housing opportunities in Newington is a major goal of this community. It's important for the health and the success of the town going forward. Having unnecessary restrictions on quality residential development runs directly counter to that principle. Many of the Planned Development Districts in Newington are also identified as opportunity areas where the POCD charges this Commission with, and I quote, "maximizing possibilities for development and investment. Not further restricting them, or allowing obstacles to new projects to remain in place. The POCD also call for the Commission to continue on an ongoing basis to review and update their zoning regulations, and their zoning map to ensure the appropriateness and compatibility of development options. Now again, while the purpose of this text change is to remove this vaguely worded regulation, that arbitrarily restricts residential development, but will also serve the larger purpose at the end of the day of promoting new economic development that is best for the community. So with that, thank you for your time, and attention tonight. I'm going to remain available if you have any questions, and I certainly reserve the right of rebuttal. Thank you Mr. Chairman.

Chairman Pane: Thank you. We'll go to the Town Planner, see if she would like to give a report on this, and then we'll go to questions from the Commissioners.

Renata Bertotti: I have not too, too much to add to this. We did some research as to how did this provision become a part of our zoning regulations, and research indicates that in 1974 the town Planning and Zoning Commission essentially changed what used to be a strictly commercial zone, changed the name of the zoning district and adopted it as Planned Development. At that time, at the time of the adoption, apartment buildings were allowed by special permit in this original PD Zone. There were no special rules that we were able to find that were related at the time of the adoption of the PD Zone to access the Berlin Turnpike or any other specific street. Then at some point, between then and at least August of 1988, this provision appeared in our regulations. So the first time we were able to find it in the regulations was in 1988. So the provision existed on our books for you know, forty years, from '88 and while we were not able to locate the original minutes to tell me exactly what the Commission was thinking, like what was their motive, to include this provision, to me it seems that it was very likely that the attempt was one of two things; either to control traffic on the residential streets, or to control multi-family developments period. So if the intent was to control traffic, this particular provision, I don't believe is very helpful for the reasons that Attorney Sweeney had listed already. It only, the restriction only applies to residential in the zoning district. It does not preclude either much more highly intensity traffic generators from the streets. So, you know, with that being said, that intent has not been met by this regulation.

I discussed, my second point how we control traffic numbers and review traffic numbers. The Commission is actually required under special permit to review traffic impact and there are certain provisions in our regulations that demand that we get certain studies and reports, etc., and you as a Commission are actually mandated to consider. Once uses are set, and the zoning district are mapped, the best way to expand it is on the case by case basis, because then you get the actual understanding as to what happens to a development. Now aside from that, when you have to also consider traffic, very much so, when you are adopting zoning regulations and adopting uses within those zoning regulations. I believe that creating provisions, for the uses is in a proper way to control traffic impact. So the right way is, look at your uses, once you are adopting your zoning regulations, when you are adopting zoning

regulations for B zone, look at the list of your uses, look at your zoning map, look at the streets, look at neighborhoods, and figure, that is the time when we say, what do these uses mean to the traffic on these streets? That conversation is what is appropriate at that stage, and then the next level then could a business be at a specific site and then you look at it and say, that business generates 30,000 vehicles per hour or so, and then the last point, when I talk about this issue that the PD Zone has districts, the zone itself actually is found across town, so it's not the restriction but will apply to the parcels in different parts of town. Now if the intent of this provision was to regulate the residential development period, then what I can tell you is that we have a couple of zoning districts where we allow multi-family housing, R-7 and R-12, allow multi-family, but you have to have a parcel with an 8,000 square foot per dwelling unit, I do not know that we have any R-7 or R-12 parcels that meets those requirements, so with that in mind, we don't have a single parcel in those zoning districts that are conducive to multi-family housing. We have a residential design zone, that zoning district is set at a density of 3.5 units per acre, which is quite high, we require that the development cannot exceed more than twenty-five per cent area, and again, you have to have a very large parcel to develop one quarter of it, so that is another intensive requirement. We have a TVDD zone which is specific as to both location types and manner of development, so the TVDD zone is the district by the Cedar Street, it's specific on which parcel it can be placed on, it's specific to what kind of development you can have, so aside from that really the only other zoning district that allows for multi-family is the PD Zone. So that is really what I can say on this. If it was a manner to control traffic, this is not a good provision, in a manner of controlling multi-family housing, I don't know if it is appropriate for a provision to control a development style. That concludes my report unless you have questions.

Chairman Pane: Thank you. I'm going to go to the Commissioners now, see if they have any questions? Are there any questions from the Commissioners? If there are no questions from the Commissioners, without objection, I will go to the Public Participation. Is there anybody in favor of this application? Anyone wishing to speak in favor? Anybody wishing to speak in opposition?

Matt Rossi, 17 Franklin Circle: I am calling in to vote again the changing of the rules. From what I just heard, from the Town Planner, all of her reasonings for why this was put into this is all assumption. She is assuming, she is assuming, she has no concrete facts. I also would like to have on the public record that both Attorney Sweeney and Mr. Bongiovanni themselves were involved in the Culver Street Apartments which we were at for multiple meetings for many hours, changing the residential zone to a PD Zone. I think that his amendment is to benefit that project without looking at the long term effects. There are a large number of other properties that this could eventually, down the way, affect. I think relying only on Special Permits could possibly create the wild west of development in PD Zones, and in particular this amendment really should hold because if a property touches two streets, okay, if the property touches two streets, that do meet this criteria, they have ample opportunities to build their properties within the regulations, even with 3.19.2.B.1. They have to build within the regulations, design their land within the regulations and I don't think the removing of this is a good idea. Again, this is all a function of why it was put in, there is no concrete evidence of why, and I am strongly against changing this amendment. I clearly understand it, and I'm not in the zoning area, I understand it, I've read it, it makes complete sense to me. Again, I'm fully against changing this amendment, I think it should stay exactly the way that it is written. Thank you.

Igor Botenakov, 150 Cobblestone Court: I completely agree with the previous speaker who said that the whole application is driven primarily by the previous zone change that benefits this development that was in the public hearing for the previous zone change was done with multiple irregularities to say the least, of this Zoning Commission and the Town Council and I as a not native speaker understand what direct access means, and if Mr. Bongiovanni does not, I'd be happy to explain it to him what direct access means and again, I am completely against this proposed change. If the Zoning Commission and the Town Council wishes to clarify what that means, they should do it, but striking the whole paragraph is a mistake. Thank you.

Anthony Yoder, 54 Shady Hill Lane: Thank you for your time. I had spoken at the previous meeting in opposition to the re-zoning of the Culver Street parcel and I was disappointed with the outcome and decision but I hope that the Commissioners will enter the decision tonight with an open mind regarding the long term effects of the proposed text amendment outlined in Petition 54-21. It is significant interest that Mr. Bongiovanni made this application as a private citizen and not on behalf of his architectural firm and maintains that this is in the general interest of the community and not related to any particular development. I find this peculiar since as recently as last month his firm was advocating for changes pertinent to the development on Culver Street in which he and his firm certainly have a vested financial interest, and also in the amendment. The application and the interest in this project cannot outweigh those of the numerous residents of the area who are concerned. Commissioners are obligated to listen to and understand the concerns of affected citizens as they consider the change, and under no illusion that the sole intent of the application is concerned with the vague language of the regulation as stated by Mr. Sweeney, who is a land use attorney retained for the purpose of this approval. As stated the current regulation residential buildings in the PD Zone cannot be approved without direct access to a public street which directly connects to the Berlin Turnpike. While I agree with Mr. Bongiovanni and Mr. Sweeney that the term Direct Access is not well defined, I would like to suggest that the Commission take this opportunity to affirm that is defined by entering directly on the turnpike, or street which directly intersects. Given the concern and the ambiguity and clarity of this perhaps it should be further defined, but this provision also pertains to the PD Zone adjacent to the turnpike, since it appears that in fact there are other zones to which this does not apply due to past amendments or waivers. What other reason could there be intended other than to preserve the buffer protecting the residential character of the area and the safety inherent and control the traffic in areas adjacent to the area already encroached by the recent zoning change from residential to PD. Many of the concerns which have been voiced are regarding the irreversible impact this will have on our residential neighborhood. While we understand the owner can develop the land as they please, we accept this to be true, and while we prefer not to have a large residential dwelling which could change to other commercial development, we do have the right to not have irreparable damage this would cause and the right to continue the life that we have enjoyed to date. The Commission must consider this in weighing this decision, considering the opinions of all those submitted or have given testimony, approving this change may specifically increase the number of areas which would potentially be open to this type of indirect access, whether by zoning change or set a precedent. There is no question that opening Newington to this type of development would essentially change the quality of life which for many of us here, and specifically to this residential neighborhood. These concerns for our safety along Culver Street, and while a traffic study done during the pandemic was estimated as an undercount of the traffic by twenty percent. The fact is adding additional traffic is well beyond this. Most of the focus was on speed and that was brushed off as a law enforcement issue based on DOT studies. The

intersections along the road are cumbersome and hard to navigate, particularly at Deming Street and Culver, where the three way intersection causes a constant hazard. There is no reasonable expectation that more cars will make it any easier. Accessing Deming Road directly would mitigate much of this. The safety is not limited to street traffic, but also to pedestrian traffic. As you have heard numerous times, the sidewalk is not continuous past Apple Hill and further is on the other side of the road opposite to the proposed development, leaving residents to either walk in the street or cross numerous times to reach the existing sidewalk. My understanding toward the intent of this project was to access existing businesses and with note that there are no sidewalks along Deming Street in the area which again is a safety hazard to drivers and pedestrians. I truly appreciate you time and ask you to carefully consider the short and long term ramifications this would propose. Property owners certainly have a right to develop their land, but not at the expense of the adjacent neighborhood. There are other options to access either Deming Road or Costello Road, and while this may not be as aesthetically pleasing or financially rewarding to the developer, this does not negate them as options. I appreciate you open consideration of these comments and ask that you preserve the existing section and deny Petition 54-21. Thank you.

Katherine Karl, 254 Cobblestone Court: I am opposed to Petition 54-21 deleting 3.19.2.B.1 when streets in Newington could potentially be a gateway for a larger residential development in PD Zones. There are a lot of low density neighborhoods that could be killed by high density housing. Section 3.19.2.B.1 was purposely and wisely devised to protect residential neighborhoods. Thank you.

Renata Bertotti: Our office received a couple of e-mails and I was wondering if you wanted Erik and I to read these into the record.

Chairman Pane: Yes please, let's read those into the minutes.

Erik Hinckley: The first item was received from Mohamed Alramahi at 14 Coachman Lane: As a resident of the town and as a civil engineer I have concerns regarding Petition 54-21 for the following reasons, I would like this e-mail to be read into the record by the Petition as discussed. The November 8, 2021 traffic study was not conducted for a full week, see page four in November 10, 2021 TPZ minutes. The study shows that the level of service (LOS) have fallen from a A to E, Page 4, as in the November 10, 2021 minutes. Compared to July 2, 2021 traffic study which was LOS B, page 25 in the October 13, 2021. LOS is used to describe the quality of traffic and operating conditions on the roadway based on factors such as speed, travel time, maneuverability, delay and safety. Where LOS A is best, and LOS F is worse. Without a full study it would be hard to determine the full effect on the roadway. In addition, as I mentioned, in the November 10, 2021 TPZ meeting, the automated traffic devices at Culver Street were set close to Courtland Way, Apple Hill which doesn't take into account Cambridge Drive and the Cambridge complex entrance on Culver Street. This may have eliminated any Cambridge complex traffic approaching Culver Street and Deming Street, also, resulting in less volumes in reality. The automated traffic devices should have been placed between Cambridge Drive and Deming Street.

In the November 10, TPZ meeting, I asked the developers engineer to take into consideration the geometry of the roadway when he calculated the sight distance of 480 feet, page 5 on the November 10, 2021. As you know, the proposed entrance at Culver Street does not meet the regulations set for a Special Permit, Section 3.19.2.B.1. which states no site shall be approved

unless it has direct access to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike. Culver Street does not. The question was not answered. There are many ways to achieve an access through a wetlands without interfering with it, but it would require many permits and additional construction. I believe the Town should not compromise the regulations in favor of this petition to save time and money for the developer. If the town decides to move forward with this petition, I recommend that the Town hire a third party to perform a full traffic study before making any decisions. Thanks and Happy Holidays, Mohamed Arami, P.E.

The next letter received was from Philip J. Kostek, 41 Little Brook Drive: I have been a resident in the Town of Newington for the past 44 years. I oppose Petition 54-21, Zoning Text Amendment Section 3.19.2.B.1 to delete the requirement that residential development in the PD Zone be located on sites with direct access to the Berlin Turnpike or street that directly connect to the Berlin Turnpike. When this whole process regarding the Culver Street apartments started, the residents became involved. I had some optimism that our voices would be heard but I also had my doubts. After all of their expert testimony from the conservationists, civil engineers, attorneys, including data that was presented in favor of the proposal, the real expert testimony from the neighborhood residents has been ignored. Our participation in the virtual TPZ hearings, our e-mails and letters were labeled as anecdotal. This is an insult to those in opposition to the proposed development. We are not scientists, engineers or attorneys. We are the real experts because we live in the town and neighborhoods and we see how the proposed change will impact our neighborhood. As we all know, change in population density, traffic load, crime and demand for services is taking place every day. We are only trying to protect our town, our rights and quality of life as Newington residents and tax payers. There are alternatives to this plan to increase tax revenues and providing adequate and affordable housing that should be studied. How about a 55 plus community with single story living for our aging town residents? How about a different location? How about scaled back project with access to Costello Road? When will politicians and government officials on the federal, state and local levels start representing the people that they are supposed to represent? I guess when you develop a plan and existing policy regulations do not satisfy your objective, you can just ignore people's rights and concerns and change the rules to get your way. A simple majority of seven TPZ Commissioners determines the outcome of zoning application changes. Where are the checks and balances in this process? Where is the accountability? I am surprised by the autocracy displayed by the town and the Newington TPZ. By approving these zoning changes you are setting a dangerous precedent for future proposals and requests. This amendment could potentially and forever change the footprint of the Town of Newington. By your approval of these zoning changes, you are performing a disservice to the Town of Newington and its residents. I request that this e-mail be read into the official records of this application.

Renata Bertotti: I will read the next two: Yelena Kiriyan, 41 Cambridge Drive, signed by Yelena Kiriyan and Jack Dooley, of 17 Cambridge Drive: We, Eleana Kurian and John Dooley, residents of Cambridge Arms, oppose Petition 54-21 filed by Mr. Bongiovanni. Section 3.19.2.B.1 should be preserved and the Planning and Zoning Commission should deny Petition 54-21. Let this be added to the record; by the nature of his business Mr. Bongiovanni has, and will be compensated for each petition he files. Right now his actions cause a disturbance in our neighborhood and we the regular residents have to be constantly alert and use our resources to foil Mr. Bongiovanni's ideas. The change of zoning text is clearly dated towards the developers

and not the citizens of Newington or residents any where in town who live on Culver Street or similar streets. Section 3.19.2.B.1 was purposely and wisely devised to protect residential neighborhoods. The zoning changes and zoning text will affect Fenn Road, Myra Cohen Way, Alumni Road, Maple Hill Avenue, West Hill Road, Surrey Drive, Hartford Avenue, North Mountain Road, Market Square, Lowry Place, Constance Leigh Drive, Hopkins Drive, Louis Street, Stanwell Road, Pebble Drive, Dorchester Court, Willard Avenue, Coronado Drive, Revere Drive, Church Street, Kelsey Street, Orchard Avenue, Foster Street, Stonehedge Drive, Occhialini Court, Tremont Street, Church Terrace, Bridle Path, Meadow Street, Willow Lane, Progress Circle, Rockwell Road, Holland Drive, Maselli Road, Horizon Hill Road, Webster Court, Adam Drive, Costello Place, Cobblestone Court, Culver Street, Deming Farm Drive, Waverly Drive, Griswold Hills Drive, Woodsedge Drive and Crown Ridge.

The last one is from Mary McSpadden of 248 Candlewyck Drive: I am opposed to Petition 54-21 and I would like this read into the record at the January 12, 2022 public hearing. The petitioner, Alan Bongiovanni appears to be motivated by a huge monetary gain via his business, Bongiovanni Group as agent for AR Building.

By deleting Section 3.19.2.B.1 the PD Zone would not be required to have access to the Berlin Turnpike or a public street that connects to the Berlin Turnpike. Many streets could potentially be the gateway to residential developments in PD Zones including Fenn Road, Myra Cohen Way, Alumni Road, Maple Hill Avenue, Surrey Drive, Hartford Avenue, North Mountain Road, Market Square Lowry Place, Constance Leigh Drive, Hopkins Drive, Louis Street, Stanwell Road, Pebble Drive, Gloucester Court, Willard Avenue, Coronado Drive, Revere Drive, Church Street, Kelsey Street, Orchard Avenue, Foster Street, Stonehedge Drive, Occhialini Court, Tremont Street, Church Terrace, Bridle Path, Meadow Street, Willow Lane, Progress Circle, Rockwell Road and Holland Drive to name a portion. This is a lot of neighborhoods that could be adversely affected by high density housing.

Large residential and commercial developments should conform to the existing PD requirements. Use of the Berlin Turnpike for traffic control was a well thought out decision by previous town planners. The neighborhoods need to be protected from commercial traffic. Please protect our neighborhoods and deny this petition. Homeowners have invested their precious resources in this very nice community.

So those are the e-mails

Chairman Pane: I'll give the applicant a chance to rebut.

Attorney Sweeney: As a Commission you have an obligation to look at your regulations to make sure that they make sense. This regulation as written doesn't make any sense. This is an opportunity to clean that up, and rely on the discretion that you already have in your special permit criteria, for a case by case basis to evaluate residential building development in the PD Zone. That's what I'm asking you to do. I'm asking you to exercise that discretion, I'm sure you are going to have projects that come in, in the next few months, next few years, that will take advantage of it and you will be able to look at a whole variety of things in those projects, including traffic, but you will be able to do that on a case by case basis, you'll be able to do that intelligently, you will have the applicant have the obligation to show, to prove to you that they have dealt with traffic appropriately, but I think it is unfair and unreasonable and certainly counter to your efforts to try to diversify and grow housing stock in this community to have these

arbitrary barriers, so that is why we submitted this application tonight to delete this provision in it's entirety. I hope I have answered all your questions tonight, if you have any other questions I'd be happy to answer them, but we would ask that you close the hearing this evening. Thank you Mr. Chairman.

Chairman Pane: Thank you Attorney Sweeney. The opposing side has a rebuttal if anyone has anything they would like to add. I'll go to the Commissioners now and see what you would like to do on this, if you would like to close this petition. Comments?

Commissioner Woods: I'd like to close the public hearing and just move it to Old Business for discussion.

The motion was seconded by Commissioner Claffey. After a roll call vote, the motion passed unanimously with seven voting YEA.

- B. Petition 50-21: Zoning Text Amendment (Sec. 6.16) to add medical marijuana dispensary Facilities and production facilities, Adult Use Cannabis, Cultivator, and micro cultivators to the PD Zone and to add adult use cannabis retailer, hybrid retailer, medical marijuana dispensary facilities to the PD and B Zone. Applicant and Contact, Newington TPZ.

Renata Bertotti: Last year in October of 2021 we adopted the regulation amendment to allow, to add to our existing regulations which at the time of adoption allowed medical marijuana dispensaries and medical marijuana production facilities in a couple of zoning district. We also added to those same zoning districts the newly passed legislature, the newly passed uses that consisted of cultivators, micro cultivators, hybrid retailers, and retailers of recreational cannabis. Just to give you a picture, the micro cultivators is essentially a cultivator, grower of cannabis plant in a facility that is anywhere between 2,000 square feet and 10,000 square feet, but it is smaller than 10,000 in size. The cultivator is the same kind of facility except that it has to be a minimum of 15,000 square feet in area. The hybrid retailer is a retailer of cannabis which must include a pharmacy or employ a pharmacist and then the retailer for additional cannabis does not have to include the on-site pharmacy or pharmacist. So when we adopted in our regulations, we allowed this use to Business-Business Turnpike Zone, for the sale and we allowed cultivation in the Industrial zone. We had a discussion about perhaps considering some additional zoning districts that perhaps could be potentially suitable for these kinds of uses, in particular there was some discussion about the PD Zone, and perhaps looking into the Business Zone. In my memo, as you can see, I, well, first of all, I did amend the zoning regulations, to allow the proposed uses, so now you have essentially production, micro-cultivation, and cultivation and potentially if the regulation is adopted, allow use also in the Planned Development Zone as well as recreational retail and hybrid retail, if the regulation passes as uses that would be allowed in the PD Zone as well as the Business Zone.

I have a couple of things for you to consider. I think, I visited, as the Commission may remember from the October discussion, with the Chairman of the Planning Commission and the Fire Marshal one of the operating production facility in the state, and that was definitely a state of the art production facility. Viewed from outside, you would not know that what business it was. It was, it looked like a factory, it smelled like a factory, you could not, there was not anything that would indicate that this was a production facility, however this was one of the production facilities that was already designed at a higher sophisticated level, was pretty large, it

was above the threshold of what cultivator size would be, so this would probably converted to a cultivator use, would be of a cultivator size. Now smaller uses, micro-cultivators, could actually take place actually in smaller buildings which could be good, but also I don't know that the investment, because we had a lengthy discussion with the property owner of that facility of about what kind of investment was needed to create a facility like that and I thought the investment that went into air filtration or security of that facility was so high that I don't know that the smaller places would really justify such a high investment. So that to me, we can allow it in a PD Zone, but I don't know how realistic it is that we would be able to get one of these in there. Another thing that I actually put in my memo is that we should think and I personally don't really have strong feelings about it, but the downtown is more of an emotional matter, at least to me and I guarantee to many people, if this, because this because this is PD, if this a good location for a use like that. We should probably think about, if we adopt this, is this use appropriate. And if it is not appropriate how do we make sure that we limit a specific location, so that somebody cannot come in and do one of these uses.

The other thing that I also brought up in my memo was the separation requirement, so with the separation requirement in particular I was thinking, I was looking on the map and the Business zones are kind of in the middle of the residential neighborhoods, you can have vape stores in, retail stores in the middle of the residential areas, and I don't think there are many problem with that, so we just need to understand, okay, if we can have this kind of this store, can we then be okay with having a recreational cannabis retail there.

Another thing to think about is proximity to schools. We have a business zone near a middle school and high school, at least we should talk about it, so those are the kind of conversation topics that I would like you, as a Commission, to talk about and then I am sure you will have your own questions.

By the way, just before I stop talking, the retailers and micro-cultivators are highly regulated by the State, at least for the time being, so for a community of our size, we can have no more than two retailers and no more than two micro-cultivators so that is another thing to keep in mind. Those are the only two that are regulated so the hybrid is not regulated, by numbers, by the State. They are regulated however by the nature of themselves, because they are also, they have to include a dispensary in that, so all of these uses shall I say are highly regulated by also numbers of how many a community can possibly have.

Chairman Pane: Let's go to the Commissioners. Do you have any questions? I must say, that was a production facility that we visited, correct?

It was a very large building, it had to be over 50,000 square feet there. It was very interesting. Are there any comments or questions from the Commissioners?

Commissioner Claffey: I guess my question goes back to your presentation Renata when you brought up a business zone that was wrapped in residential. It was being used as an example, it was over by Willard Avenue, on Willard Avenue, I think it was a great example because it had residential completely around it, but then it also has commercial down the street, but then it also has a school, has a day care center now down the street, and I think, I brought this up many months ago, because I look at this type of facility, if it is a retailer selling it's no different than tobacco or liquor, which is regulated by the State just like this, and I think I brought it up when we were trying to only allow these places to go to certain parts of the town, and that is where I thought it was kind of wrong, because you kind of have to open it up to where it could possibly fit, if it is so regulated, which it is like cigarettes and liquor. I'm more concerned on that end than the actual, if a person wanted to come in here and put in that 50, 60,000 grow room, I guess, to

cultivate it, that is were you don't see it as much as if you saw it as a dispensary style business store. I think it needs to be discussed because it falls, as I said, it falls into that like 7-11 complex on Willard Avenue because it so close to everything. Currently we allow it, like a liquor store in that type of a facility, wrapped with residential around it, so that is where I was going as to why I think it should be opened up more to the whole community and I think you presented it in a way that now kind of directs us to where these facilities could be better targeted, but I don't want to shun away from the business side of this as the actual sale point that might come out of it at a later date through the State regulations. I don't know how that plays into your presentation, but I don't think we should pigeon whole these locations, I think if you do that, they are already regulated, you can only have so many sellers, you can have only so many facilities in a town, so you might as well open it up to where they can put those facilities if they choose to come to Newington.

Chairman Pane: Are there any other questions, comments from the Commissioners?

Renata Bertotti: If I may just add one comment. To me frankly, it seems that adding retail and hybrid retail to the PD Zone is somewhat of a safe venture. That is retail, commercial type of zoning district, I think perhaps that would be the best potential fit. I don't know if we even have to consider micro-cultivators and cultivators at this point. It is up to you whether you want to do that or not. You know, this is one of those things where we can always revisit the regulation as the need arises, so if we have a request later, we can revisit once we have some experience with this. With these kind of things I feel that you know, we can go kind of baby steps because we're really not getting requests except for some retail along the Berlin Turnpike, we haven't heard other requests.

Chairman Pane: Are there any other comments or questions from the Commissioners?

Commissioner Lenares: I just wanted to chime in and say that I agree with the Planner saying that the, going forward should be treated with baby steps, some care, some conservative approach to try to do what is best for the Town, but yet having that vision moving forward. I know it is a sensitive matter, it's a difficult matter for a lot of towns, especially ours, so I think that is a good way of approaching it, and I'm fully behind that approach. Thanks.

Commissioner Claffey: I just had a question to other fellow members who may have been on prior to me when the vape stores became very popular. I remember Newington didn't have any and all of a sudden I remember that there is two or three or four and now there are not too many, I can't remember, two maybe that are still operational, so was this a big issue? I mean, vape was a big issue, it was all new, I mean I don't really know enough about vape, but was this an issue years ago when the vaping became, you know that was like the new way to get rid of cigarettes, we'll go to vape. Does anyone recall a big push to needing to change any regulations for vape stores? I think it always fell under the tobacco side, but any other Commissioners remember that? I personally don't, and that is what I can kind of guide, I don't think there is a huge need in Newington, but again, I don't want to you know, say no to it. If a change needs to be made, a change needs to be made.

Renata Bertotti: So I think the only things that I can volunteer information for here is that this is different than vape retail and retail in general by the fact that the State sort of demands that

communities ask for special permitting because the State wants to keep the records, it's a licensed kind of product, it is, it's closer to liquor sales.

Chairman Pane: We'll go to the public. If there is anyone from the public who would like to speak in favor of this petition, 50-21?

Reno Farissi: Good evening, I am the founder of CT Phama Medical Marijuana Production Facility here in Rocky Hill. Actually, ours is the site that was visited a couple of months ago. We are actually 216,000 square feet of production space. We were originally located in Portland, and moved here to Rocky Hill in October of 2020. I have been a senior manager and operator in the Connecticut Cannabis history for about eight years now, and I want to voice my support to add the adult cannabis retailer business to the Planned Development Zone. Please know that the legal cannabis industry in Connecticut is highly regulated, as was discussed tonight. It's regulated as a Consumer Package Business, CPG, there is product testing, there is required site security, it actually is more regulated than a liquor store because there is sales tracking, so the State knows how many units are located at each of the businesses on a daily basis, how many of those units get sold, etc., they track right down to how many plants we have in the building, so it is a very secure operation. The permit today serves around 50,000 patients and it is growing weekly, but we expect adult use cannabis industry will serve additional customers. It will still remain under the prevue of the Department of Consumer Protection who administers the program today that consists of 18 dispensaries and 4 production facilities and I can tell you it is bar none, the best program in the nation because of it's security, the security of the products, the consistency of the dosing and really the administration of the DCP. That will continue in the retail business. Our company, which is Verano, owns and operates production facility here in Rocky Hill and we have two dispensaries, one in Meriden and one in Waterbury and it is our hope to open a dispensary in Newington in the PD Zone. I just want to say I'm thankful for the opportunity to speak here tonight and I want to recognize the Town of Newington's efforts to involve this in the Planned Development zone and with that I want to express my support to add the adult use dispensaries to the PD Zone and I'd be happy to answer any questions.

Chairman Pane: Thank you. Anybody else wishing to speak in favor of this petition? Anybody wishing to speak in opposition?

Rose Lyons, 46 Elton Drive: I was just curious, I'm reading an article that was written in the Hartford Courant from 2013 and the draft rules would confine medical marijuana Dispensaries to Industrial and Public Land Zones. I'm guessing that they misquoted with the public land zone, is the public land zone the PD area, or, I'm just curious, I'm not in favor or against, I'm neutral I'm not at the point where I am going to be, hopefully, having to get medical marijuana, but you never know and at some point in time in my life I may, but I'm just curious about the zoning. Public land is it now known as PD, I'm not familiar with the zoning?

Erik Hinckley: No, they are two separate zones.

Rose Lyons: Okay, that's fine, I just hope that I'm not the only one watching tonight because I was the only one at the workshops back in 2013 and as seems to happen in this town a lot, once regulations are put in place, then people start complaining, so I hope that maybe you

keep it open for one more public hearing and if no one wants to speak at the next public hearing, that they at least have the opportunity to do so. Thank you very much.

Chairman Pane: Anyone else wishing to speak? I'll turn it over to the Commissioners. What is your pleasure on Petition 50-21?

Commissioner Woods: I would actually follow Ms. Lyons lead and leave it open because this is possibly a controversial subject, just leave it open one more meeting and then we can close it and deliberate on it and see if we want to do it, plus it will give us time to think about it a little bit more.

Chairman Pane: Okay, we have a motion from Commissioner Woods to leave Petition 50-21 open.

Commissioner Fox seconded the motion, and after a roll call vote, the motion passed unanimously with seven voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Fox moved to approve the minutes of the November 10, 2021 meeting. The motion was seconded by Commissioner Haggarty. The motion was approved unanimously with seven voting YEA.

Commissioner Fox moved, seconded by Commissioner Haggarty to approve the minutes of the December 8, 2021 Special Meeting and the December 8, Regular Meeting. The motion was approved unanimously with seven voting YEA.

IX. NEW BUSINESS

Anna Reynolds Building Committee Project Presentation

Discussed earlier in the meeting

Desegregate Connecticut

Peter Harrison: Thank you for the opportunity to come and speak in front of the Commission and the folks in Newington. I'm the senior policy fellow at the Desegregate Connecticut. For those of you who aren't familiar with us, we are a coalition of non-profit and community groups, about 80 across the state that are committed to building a more equitable and sustainable Connecticut through smart land use development. One of our priorities at the local level across the state and the state level this coming year is transit oriented communities, which is a concept which basically allows developments, particular home development, mixed use development around our transit station be it a rail line or a rapid bus line.

We have been lucky enough to get a grant from the Hartford Foundation for Public Giving to do a study in the Greater Hartford area of opportunities for TRC's around the Hartford line or the CTFastrack. We're happy to be partnering with the Center for Latino Progress, which is the Hartford based group which does a number of transit and micro ability work and we have decided on doing two towns, one in Berlin at the Hartford station there, and then also at the

Newington Junction Fastrack Station. We think there are a lot of really great opportunities through some fairly benign small scale zoning reforms to encourage more affordable and accessible housing, so I just wanted to come on tonight and formally invite everyone on the Planning and Zoning Commission, anyone in the audience, we started outreach for folks to attend a walk audit of the Junction Station on February 16th, which is a Wednesday, next month from one to three p.m. and the goal of that event will be having a group of community residents, officials, any folks that would like to participate to meet us at Newington Junction Station and walk around, kind of in a half mile radius to explore what the sort of environment is in the area there, what potential opportunities for undeveloped land for multi-family housing, what areas are historic and will be sensitive and we wouldn't want to build there, and to give residents an idea of what transit oriented communities would look like. To encourage the promotion of that concept at the town level, the state level and also frankly to assuage some concerns that folks have about over development or what it would look like. This is very much a human scale endeavor, so we think doing this kind of walk-audits literally just walking around the immediate vicinity of the district, is really beneficial to answer some of the questions so I'm just coming on tonight to sort of just talk about it, very quickly, to invite folks to attend. I have a couple of pieces of information from our Desegregate Connecticut website which has some information on the TOC report and kind of what our goals look like. Also a sign up sheet for folks that are interested in potentially attending. It is obviously outside in February, so it might be a little cold, we'll play it by ear, and hopefully by then it will be safe to congregate outside. I also wanted to come on and answer any questions from folks on the Commission, any folks in the audience that maybe live in the area, or otherwise, and overall we are very excited about promoting TOD across the state, and starting in Greater Hartford and Newington to physically, we are really looking forward to having some folks come out and participate and give their two cents, ask some questions, and then after that, on March 2nd, sorry, March 9th, we will have follow up virtual workshop to go over those questions and observations and offer some potential next steps.

Chairman Pane: Very good. Where would you be meeting on February 16th, exactly, just so the Commissioners know. There is the train station on one side, or lack of, or the bus area on the other side.

Peter Harrison: The idea would be that folks can park in the station, I believe there is a Dunkin Donuts there, but the idea would be to meet at the station. We'll have the folks there ready to meet folks.

Chairman Pane: Renata, if you could send out a reminder to everyone, and then hook us up on March 9th for what is happening with the review. I'll turn it over to the other Commissioners now in case they have any questions.

Peter Harrison: Appreciate that and would be happy to work with the Planning Department if that is what the Commission wishes.

Commissioner Woods: How long do you think this study will take and what is the outcome that you are looking for? Do you produce plans on how we can develop this area, just a rough draft, or do you not go into that kind of detail?

Peter Harrison: I guess the short answer is, we're not going to get into a super detail, the idea is kind of two fold. One is to give just public education on the what the concept of transit

oriented communities are, both for folks in Newington and across the State, and our specific objective with Newington Junction will be to have some meaningful impact for efforts if the town is considering these options. Part of what attracted us to Newington Junction is the question of, is the Hartford line going to have a station there, based on our research we potentially think that makes a lot of sense, and the deliverable will be kind of a formal review of participants, of the walk audit, which may result in some recommendations for the Commission to consider, some support for development agenda at the town level. We will hopefully between the Newington project and the Berlin project will have what we are going to call a community tool kit to sort of replicate this concept of a walk, surrounding the 62 odd stations in the state and for the Commission to be able to go around their station and see what potentially, how TOD can work there. So, primarily it will be kind of an informal review for Newington Junction and hopefully we can work with the Planning and the Commission on, keep dialogue going beyond that, and then the Community Tool Kit will be the delivery we can sort of replicate beyond.

Chairman Pane: Any other questions from Commissioners? Renata, go right ahead.

Renata Bertotti: Just one question, one of the things that I understood when we spoke on Friday was that you were also looking for help from this meeting to get you some additional, some way to notify some other residents in the area, some other elected and appointed members, so can you talk to the Commission a little bit about that so we know a little bit better.

Peter Harrison: We're really excited to have as many folks that can come and participate. We have already reached out to elected officials in town, and the state reps as well. I don't know if we have a confirmation of folks yet, I think we have a couple that have signed up already. One of the things that we are also doing with outreach is to some local businesses in the area, community groups, faith groups, Newington Housing Authority is right across the street, we'd love to have a representative from there as well. Particularly for folks up on the hill there, that live in the neighborhood, we'd love to have community participation, even though some folks have expressed concern about what development would look like, I think that is a great audience for us to really show the benefits of what TOD's are, and demystify some ideas that it is going to turn into Manhattan or something around Newington Junction, so if there are folks that Commissioners know that you think would be someone we should reach out to and invite, we'd love to do that. We're giving a blanket invitation for anyone you think would be a really stakeholder with an understanding that Wednesday, mid-day can be tricky for folks, so even if people can't make the walk itself, they can attend the virtual workshop a couple of weeks later, so really two opportunities to participate that we would love to get the word out.

Chairman Pane: Thank you for the presentation, I appreciate it.

X. OLD BUSINESS

- A. Petition 53-21: Special Permit (Sec. 3.11.14) to allow apartments in a business building at 566 New Britain Avenue., Applicant and Contact, Wieslaw S. Kaczynski, Owner; Wieslaw S. and Margoza Kaczynski.

Commissioner Claffey moved to approve the above reference Petition 53-21 to allow apartments on the second floor in a business building in the B Zone.

Reason for the Approval:

The proposed application meets the Special Permit criteria as in Sections 5.2 of the Newington Zoning Regulations.

Conditions:

1. Parking areas to be paved.
2. Lawn areas to be seeded.
3. The fabric storage structures must be removed to the rear yard area and no vehicles can be parked under them.
4. Remove all of the construction equipment, recreational vehicles and trailers from the site.
5. Stabilize the slope in the northeast corner of the property to protect the fencing from being undermined.
6. Remove all of the junk and debris from the site.
7. These conditions shall be fulfilled by the applicant prior to the issuance of C.O. (certificate of occupancy) for the apartments.

The motion was seconded by Commissioner Woods. After a roll call vote, the motion passed unanimously with seven voting YEA.

- B. Petition 54-21: Zoning Text Amendment (Sec. 3.19.2.B.1) to delete the requirement that residential developments in the PD Zone be located on sites with direct access to the Berlin Turnpike or streets that directly connect to the Berlin Turnpike. Applicant: Alan Bongiovanni.

Chairman Pane: I want to check with the Commissioners to see if they are comfortable with this yet or whether they need additional time.

Commissioner Woods: I have a question first for Renata, if she thinks they have exhausted all attempts to try to find out the rational for this change prior to 1988 or could they possibly spend a little bit more time to see if they can find the actual reason for this change. I'd like to know that, I know that they spent some time, but I'm just curious if going a little deeper would help.

Renata Bertotti: I can say, sure we can look some more, but we have looked at all of the documents that we had in our office and there, and all of the former regulations, and actually Erik can speak to this a little more than I can that are filed with the Town Clerk. Now with the former regulation book, there were these annex books and I think some of these annex books are somehow misplaced or missing. So I'm not sure, perhaps we can spend some time looking to see if we can find those, a little bit more, but that is one of the stumbling blocks that we can across, that we cannot find the actual date when this was placed into the regulations so that then we can look at actual minutes for either than year, or sometime, the period is just too wide.

Erik Hinckley: I did research a lot of the codes, we have a lot of codes, we don't have every iteration or every version unfortunately, we have most everything from 1988 forward, prior to that it's a little spotty because we would get the supplements when they updated the

regulations, they had a company in Florida that pressed these and distributed them, some of these are missing from that time frame prior to '88. It's possible I can research some of the old, more of the old TPZ minutes, but again, that is just hunting and pecking at this point trying to find where, we have that 1974 to 1988 time frame of fifteen years or so, so it's kind of difficult but I can certainly spend some more time on that if that is what the Commission would like.

Commissioner Woods: I know it's a lot of work, but I would appreciate it if we could put a little bit of effort into that and I realize that it is a monumental task, looking for a needle in a haystack, but it could be very helpful to us to understand why this took place. I would appreciate it if they would at least try.

Chairman Pane: Absolutely, I don't have a problem with that.

Commissioner Claffey: I agree, and also if we look at other PD Zones that may have had changes over the years, because the biggest concern I have here is that we have a zone regulation for a PD Zone, but after diving into it more and more recently, because as developments spurs, because the town doesn't have much left in it, other than to redevelop land, open space is very small, but I'd like to double check if there was recent PD's in other sections of town, that came under changes, before my time granted, in the different sections of town, people talked about many PD zones, North Mountain Road, Connecticut Avenue, so were there any changes in that same time frame for those areas, maybe not specific to the Berlin Turnpike, but to non-Berlin Turnpike, because there are some PD zones that possibly have direct access to the Berlin Turnpike, but are on the other side of town, because they might exit out onto a road that connects to the Berlin Turnpike, so I think there is a lot more to this, for me to feel comfortable than just saying, okay we can change this, in actuality, it is very vague, there is no definition, I think it does need a little more research, not just the PD Zone, but anything that was changed back in the mid '60's, 70's you might have to go that far back.

Chairman Pane: We have to be careful because we can't enter any new information.

Commissioner Claffey: I understand, but what I am getting at is to justify the lackluster, defining definition and show, if you go to one side of town in a PD Zone, you are under one regulations, which is kind off, and then in the same PD Zone on the other side of town, you are on a differett regulation, even though you are in the same PD Zone. It's almost like creating spot zoning, which we go away from over the last twenty-five years. I guess I mis-spoke Mr. Chairman, but just to prove the fact that maybe Erik, you can't have one PD zoned one way and then zone another PD Zone another way.

Erik Hinckley: I have a question, before both Renata and I started here, in the Planning Department, you did a zone change for Willard Avenue at 129 Willard. You changed that to PD. Do you remember if this issue was discussed at that time, because I don't believe that actually....

Chairman Pane: No, that issue wasn't talked about when we changed that zone, matter of fact, all of the years that I have been on TPZ, this issue has never come up that I ever remember.

Commissioner Woods: Mr. Chairman, there is a misconception, Willard Avenue doesn't connect to the Berlin Turnpike, Richard Street connects to the Berlin Turnpike.

Commissioner Claffey: I brought that up because I wanted to make sure that there weren't other, major roads that had major connections to the Berlin Turnpike, I can't pin point every PD Zone. I agree with you.

Renata Bertotti: So this conversation is somewhat of a brainstorming session, I think people are trying to think about this application, and in some ways, some of the questions that they are raising are questions in their minds, more than questions for us to answer. I would advise you, think about what is in the record, and then, you are allowed to think about things, but just be mindful of asking for additional information.

Commissioner Fox: As the Planner said, as far as this one particular issue is concerned, I think what ishas done here, they took an axe to the regulation and just threw out that one particular section there. It seems to me that the way this is going, I think we do have to look at the entire regulation.

Chairman Pane: I think that we need time to review all of the information that was presented to us and I think we should table this until our next meeting. There is plenty of information to review and then we can discuss this at our next meeting. Is everyone in favor of tabling Petition 54-21 until the next meeting. The Commission was unanimously in favor of tabling Petition 54-21.

- C. Petition 50-21: Zoning Text Amendment (Sec. 6.16) to add medical marijuana dispensary Facilities and production facilities, Adult Use Cannabis, Cultivator, and micro cultivators to the PD Zone and to add adult use cannabis retailer, hybrid retailer, medical marijuana dispensary facilities to the PD and B Zone. Applicant and Contact, Newington TPZ.

Petition 50-21 Remained Open. No vote scheduled.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 55-21: Special Permit (Sec. 5.2.7) to modify an existing freestanding sign to allow for LED prices at 430 New Britain Avenue., Applicant and Owner: S & S Automotive LLC, Contact: Carolyn Parker.
- B. Petition 56-21: Special Permit (Sec. 6.4.3) to allow crushing of earth products up to 10 business days per year at 33 Charles Street Adjacent, Applicant Weber Nursery, Inc., Owner and Contact: Gary Weber and Dorine Carroll.

Renat Bertotti: We have an application to allow LED lit sign on New Britain Avenue, we have also an application to allow crushing of earth products, this is really an existing site. It is Weber's Nursery that each year does the sifting of products for about ten years, but they are just asking for a special permit to be allowed to do this annually for ten days of each year and they will come to you with a site plan.

Then lastly, there is a special permit application to allow storage of motor vehicles at 249 Day Street. We have talked about this location. This is the property at the intersection of Day Street

and Francis Avenue. This is one of these locations that we were approached by the property owner who wanted to use the property and we advised him to come to the Planning Commission and get permits. According to them, and complications from Covid, they were just not able to retain professionals in time to prepare the site plan and necessary documents, but they were sort of pushed by the tenant to start using the site, so they have been using the site prior to approval but they are legitimizing the use. So those are the three applications that we have.

XII. TOWN PLANNER REPORT

Renata Bertotti: The future agenda is posted on line, you can see the Conservation Commission is hearing the application for 249 Day Street at their meeting on January 18th. Your next meeting, the 26th, I will schedule the special meeting for half an hour before, so your next meeting will be scheduled for 6:30 and we will start our discussion, or my presentation with regards to accessory dwelling units. That is the provision that we talked about prior when we have to decide whether we are going to change our zoning regulations to allow accessory dwelling units, as they are allowed by the State or are we, as a community are going to consider opting out of that, so we will start that conversation at the next meeting. Following that, we will have our normal business agenda. There are a couple of applications for regulation amendments, and most of this stuff I talked to you about, the one that was at the joint meeting last week, somebody asked about the commercial vehicles, and I noted that was scheduled for the next meeting on the 26th. We have the sign on New Britain Avenue and perhaps a site plan modification for Fenn Road. We just received that and we may go back and forth a little bit. The Zoning Board has no applications and then coming in February, you are going to have this application for Weber's Nursery as well as 249 Day Street.

I will just give you a quick follow up from our joint meeting from last week, and unfortunately I spent some time trying to arrange the initial phone call with the DOT. This morning I had a very brief conversation with the DOT and I followed that conversation by an e-mail where I included questions that we had discussed at the special meeting. I am waiting to get a response from them, and as soon as I get that response, I will forward the e-mail questions and responses to both the Town Council and Town Planning Commission. I am hesitant to give you an update and not give the Town Council an update when we had a joint meeting so I just wanted to tell you, just sit tight, I'm working on it. That is all that I have.

XIII. COMMUNICATIONS

Chairman Pane: We got the CRCOG letters. There was one that stood out to me in Rocky Hill, which is, they are talking about accessory apartments within their town. I was wondering if you could follow that and maybe find out what they are doing on that, because we are going to have to talk about that.

Renata Bertotti: I have a running tally of every town in the state that is changing their regulations for accessory apartments, so I am looking at everyone.

Chairman Pane: We also have the Land Use Training Guidelines and I want to advise everybody that those are very important meetings, and I'm not sure yet if we know if the training is going to be in person or by Zoom.

Renata Bertotti: I want to tell you that starting next year, there will be a mandate of four hours of training for Zoning Board of Appeals and Planning Commission. Land Use Academy is looking more now to be a Zoom meeting with the Covid numbers increasing and how everything is working out, we are very likely to have to call a Zoom for the Academy. You will know prior to the Academy. In person, it took about two hours and people generally get quite engaged. They presentation itself it more like 45 minutes, and there would be a good hour of questions,.

XIV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: I guess I have been listening to too many meetings about where this train station is or is not going to be located. In listening to the presentation by the representative of Desegregate Connecticut, it seems to me that he is pretty sure that the train station is going to be at Newington Junction, and listening to Terry Bjorgensen at a couple of meetings, he seems to think it is going to be on Cedar Street. Listening to the TPZ and the Town Council, I think that you are still looking from answers from DOT, and listening to residents, some in favor, some not, some don't think we need a train station at all,. It just boggles my mind that we are doing studies around an area that we don't even know from DOT whether or not there is going to a train station there, and I hope that people are paying attention

Newington TPZ Commission

January 12, 2022

Page 27

to what is going on, and I hope that the gentleman that wants a lot of participation puts an advertisement in maybe the Rare Reminder or gets ahold of Mark DePaolo from the Reminder and has an article in the paper on that walk and not just do a walk around Newington Junction but Cedar Street as well, and see what, which is the better of the two locations for their study.

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I just want to thank the staff, Erik and Renata, they have been doing an excellent job along with the rest of the team from the town. I just want to thank them both, they are doing an amazing job.

XVII. ADJOURN

Commissioner Fox moved to adjourned the meeting at 9:37 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary